

MINUTES
KENTUCKY BOARD OF PHARMACY
University of Kentucky College of Pharmacy
Lexington, KY

September 8, 2010

CALL TO ORDER: A regular meeting of the Kentucky Board of Pharmacy was held at the University of Kentucky College of Pharmacy, Lexington, Kentucky. President Thornbury called the meeting to order at 9:16 a.m.

Members present: Joel Thornbury, Larry Hadley, Debra Brewer, Brian DeWire, Scott Greenwell and Anne Policastri. Staff: Mike Burleson, Executive Director; Steve Hart, Pharmacy Inspections and Investigations Coordinator; Shannon Allen, Katie Busroe, Chris Frasure and Phil Losch, Pharmacy and Drug Inspectors; Lisa Atha, Executive Secretary; Cheryl Lalonde, Assistant Attorney General and Board Counsel; and Brian Fingerson, Pharmacist Recovery Network Committee. Guests: Chris Killmeier, Walgreens; Pete Orzali, Humana; Ralph Bouvette, APSC; Jan Gould, Kentucky Retail Federation; Jennifer Miracle, Walmart; Kim Morgan, Target; Catherine Shely, St. Claire Regional Medical Center; Ann Albrecht, Kentucky Pharmacists Association; George Hammons, Knox Professional Pharmacy; Jeff McKenzie and Ron Ferguson, Health Warehouse; Darren Parks, Omnicare; Trish Freeman; Kyndra Coots, Dusty Smith, Stacy Conrad, Karen China, Charlotte Gorospe, Chistopher Case, Nathan Hamilton, Amanda Carpenter, Abigail Hay, Lauren Willis, Lyndsey Partin, Amory Cox, Meghan Gibson, Brittany Pauly, Tam Ho, Kevin Fosso, Anne Strohmeier, and Christopher Noefzel, College of Pharmacy students and University of Kentucky College of Pharmacy Professional Year 3 students. Melanie Curtis, Court Reporter, recorded the meeting.

Dean Tim Tracy welcomed the Board and students. President Thornbury thanked the Dean and staff for hosting the Board meeting. President Thornbury introduced himself and gave a brief overview of the Board. Each Board member introduced themselves, as did the Board attorney and Board staff.

MINUTES: On motion by Mr. Hadley, seconded by Ms. Brewer and passed unanimously, the Minutes of July 14, 2010 Board Meeting were approved as written. Dr. Policastri stated that she was a speaker at KSHP and, therefore, did not need Board funding to attend this meeting.

APPEARANCES: **Stevie Newsome.** Stevie Newsome was sworn in by Melanie Curtis, Court Reporter. Mr. Newsome asked that he be allowed to actively practice pharmacy in Kentucky. Dr. Policastri moved to allow Mr. Newsome to practice pharmacy in Kentucky with the following restrictions: must complete 6 hours of continuing education on new drugs; first 150 hours of practice must be under the immediate supervision of a pharmacist; probation for ten years; shall maintain a perpetual inventory at all places of employment for Schedule II drugs, with electronic tracking of Schedule III-V drugs and expired controlled substances, perpetual inventory shall be made available to the Board upon request and audits may be conducted; shall attend AA/NA meetings no less than 6 times per 2 week period or 12 meetings per calendar

month, which shall include a minimum of 2 meetings per week; Board shall conduct quarterly inspections at all locations of employment or practice as a pharmacist for the first two years of probation, then semi-annually thereafter, the cost of which not to exceed \$500 per inspection, shall be paid to the Board within 30 days of invoicing; maximum hours of work: 40 hours/week or 80 hours/2 weeks, with a maximum of 50 hours in any 7 consecutive days and no overtime; shall provide a copy of this Agreed Order to all employers and pharmacists-in-charge; shall sign an aftercare contract, to include drug counselor if indicated, with the Pharmacist Recovery Network Committee (PRNC) for the length of the Agreed Order; any violation of this Agreed Order or PRN contract shall be reported to the Board and PRNC Chair within 24 hours of violation; shall notify Board of change of home address, telephone number, and/or email within 7 days of change; shall provide to the Board and PRNC a signed release granting the Board and PRNC access to all written medical records and conversations regarding medical care; shall provide the Board and PRNC with written monthly reports of all AA/NA meetings; shall agree to provide observed urine, other body fluid, or hair samples for drug/alcohol screens at the direction of PRNC, the Board or any other monitoring body; provide copies of any results of any screens ordered to the Board and PRNC; provide notification to PRNC Chair, Board and testing company of anything that may affect pharmacist's availability for screens prior to event, a missed screen shall be cause for reporting such to the Board, any positive screen that is a violation of the Agreed Order or PRN contract shall be communicated to the Board by the PRNC Chair within 24 hours, a report indicating a presumptive presence shall constitute a conclusive basis, without the necessity of a hearing, for a determination that pharmacist is not in compliance with the terms of this Agreed Order; shall agree to abstain from any and all mood-altering chemicals, except as prescribed by pharmacist's physician and only after consultation with PRNC Chair; shall notify PRNC Chair in advance if any mood-altering and/or potentially addictive medications are required or recommended by pharmacist's physician; shall provide documentation to PRNC Chair of the need for the medication within 3 days; shall renew verification with PRNC Chair every 90 days if need for medication is ongoing; shall give up the right to self medicate with the exception of single entity OTC NSAIDS and acetaminophen; shall be excluded from accepting a position of pharmacist-in-charge, power of attorney, or preceptor; shall advise Board at all times of place of employment and shall only practice at a location with a work schedule that has received prior approval of the Board or its President; shall obtain all prescriptions and those of family at a pharmacy designated in writing to the Board; prescriptions shall not be filled by a family member or at any family owned pharmacy and shall not dispense any drugs for self or family; shall attend within 1 year of entry of this Agreed Order either the University of Utah School on Alcoholism and other Drug Dependencies, CAPTASA, or SE PRN meeting and shall provide a certificate of completion; shall provide monthly written self performance evaluations to the Board and PRNC Chair and shall make all appearances before the PRNC as requested, including an annual appearance closest to the anniversary date of Board appearance; shall not work at a pharmacy owned, in whole or in part, by him or another member of his family and shall not possess a key to a pharmacy owned, in whole or in part, by him or another member of his family; shall not be on the premises of any pharmacy owned, in whole or in part, by him or another member of his family; during probation shall have prior approval to own a new pharmacy, in whole or in part, by the Board or Board President; committing any act that results in violation of federal or state pharmacy or drug statute or regulation, may result in an emergency suspension of pharmacist's license, require an appearance before the Board, or result

in a complaint against pharmacist's license with the Board imposing any applicable penalties; shall not seek to amend or modify this Agreed Order; and a violation of the Agreed Order shall cause him to automatically lose his license to practice pharmacy for not less than five years and one day and shall require him to petition the Board for reinstatement only after he has taken and successfully passed the entire Kentucky Board of Pharmacy licensure examination (NAPLEX and MPJE). Above information shall be reported to NABP and is subject to disclosure under the Kentucky Open Records Act. Mr. Hadley seconded, and the motion passed 4 to 1, with Dr. Policastri, Mr. Hadley, Ms. Brewer and Dr. Greenwell voting for the motion and Dr. DeWire voting against the motion.

Jill Jones. Jill Jones was sworn in by Melanie Curtis, Court Reporter. Ms. Jones appeared before the Board asking for reinstatement of her Kentucky pharmacist's license. Ms. Jones gave a brief overview of the events that lead to the loss of her license and what she has done since her appearance on July 14, 2010. After discussion, Dr. Greenwell moved to deny Jill Jones' request for reinstatement of her Kentucky pharmacist's license. Ms. Brewer seconded, and the motion passed unanimously.

BOARD REPORTS:

Board Executive Director. 1) EMars monthly reports for June 2010 (fiscal year end 2010) and July 2010 were presented to the Board. 2) Mr. Hadley moved to approve the proposed listing of Board Meetings for 2011 with corrections: January 12 - Board Office; March 9 - Sullivan College of Pharmacy; May 11 - Board Office; July 13 - Board Office; September 14 - University of Kentucky College of Pharmacy; November 4 - preceding Board Retreat, location to be announced; December 14 - Board Office.; and Board Retreat be held November 4-5. Dr. DeWire seconded, and the motion passed unanimously. 3) Equitable sharing report presented to the Board. 4a) Dr. Policastri moved to allow 6 individuals in any combination from the Board and staff to attend MALTAGON in Little Rock, Arkansas, October 24-27, 2010. Dr. Greenwell seconded, and the motion passed unanimously. b) Mr. Burleson informed the Board he will be at the NABP Finance Committee meeting November 14-15, 2010, at no expense to the Board. c) Dr. Greenwell moved to allow Mr. Burleson to attend the American Society of Pharmacy Law (ASPL) in Palm Springs, California, November 18-21, 2010. Dr. Policastri seconded, and the motion passed unanimously. Mr. Hadley moved to allow the Board Attorney to attend the 2010 ASPL meeting as well. Dr. Greenwell seconded, and the motion passed unanimously. d) Dr. Policastri requested she be allowed to represent the Board at the ASHP meeting in Anaheim, California, December 5-9, 2010, with partial funding from the Board. Dr. Greenwell moved to allow Dr. Policastri to attend the 2010 Mid-year ASHP meeting with partial funding from the Board. Ms. Brewer seconded, and the motion passed unanimously.

CURRENT/PENDING CASES

President Thornbury asked for ratification of Mr. Hadley chairing the Case Review Committee in his absence. Dr. Policastri made a motion of ratification that Board Vice President, Larry

Hadley, chaired the August 31, 2010, Case Review Committee in the absence of Board President Thornbury. Ms. Brewer seconded, and the motion passed unanimously.

Office of Attorney General: Case No. 10-0022 Revisit. Pharmacist reported only completing 14 of 15 required hours of CE for the year 2009. New Information: Pharmacist found missing CE certificates, showing completion of 15.5 hours of CE for 2009. Alleged violation of law: 201 KAR 2:015 Section 5. Agreed Order had already been signed and accepted.

Dr. Greenwell moved to rescind Agreed Order for Case No. 10-0022 and return the fine to the pharmacist. Dr. Policastri seconded, and the motion passed unanimously.

Case Updates: Dr. Policastri moved to accept Case Updates as written. Dr. DeWire seconded, and the motion passed unanimously.

Case No. 09-0082; Case No. 10-0004B; Case No. 10-0026B; Case No. 10-0031; Case No. 10-0037; Case No. 10-0046A; Case No. 10-0053B; Case No. 10-0062B; Case No. 10-0063; Case No. 10-0064A&B; Case No. 10-0080B; Case No. 10-0083; Case No. 10-0090; Case No. 10-0098A; Case No. 10-0098B; 10-0099A; 10-0100A; 10-0100B; Case No. 10-0101A; Case No. 10-0101B; Case No. 10-0104A; 10-0105A; 10-0106A; and Case No. 10-0106B.

Case Review: Dr. DeWire moved to accept the Case Review Committee recommendations with corrections. Dr. Policastri seconded, and the motion passed unanimously.

Case No. 07-0086 Revisit. Pharmacist is allegedly unable to engage in the practice of pharmacy with reasonable skill, competence and safety to the public due to impairment. Alleged violations of law: KRS 315.121 (1)(a) and (b). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 10-0006A. Pharmacy permit holder allegedly divulged the name of the patient's medication to unauthorized persons by revealing the name of the medication in front of other customers in the pharmacy waiting areas. Alleged violation of law: KRS 315.121(1)(b). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 10-0006B. Pharmacist allegedly divulged the name of the patient's medication to unauthorized persons by revealing the name of the medication in front of other customers in the pharmacy waiting areas. Alleged violation of law: KRS 315.121(2)(b). CRC Recommendation:

There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 10-0018 Revisit. Pharmacist allegedly engaged in unprofessional or unethical conduct. New information: Mental and physical examination was completed. Alleged violation of law: KRS 315.121(1)(a). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 10-0033A. Pharmacy permit holder allegedly allowed technician to divert controlled substances from the pharmacy. Alleged violation of law: 201 KAR 2:100. CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 10-0033B. Pharmacist-in-charge allegedly allowed technician to divert controlled substances from the pharmacy. Alleged violations of law: 201 KAR 2:205 (3)(b) and 201 KAR 2:100. CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 10-0033C. Pharmacy technician allegedly diverted controlled substances from the pharmacy of employment. Alleged violation of law: 315.121(1)(c)(3). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 10-0039A. Pharmacy permit holder allegedly allowed technician to divert controlled substances from the pharmacy. Alleged violation of law: 201 KAR 2:100. CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 10-0039B. Pharmacist-in-charge allegedly allowed technician to divert controlled substances from the pharmacy. Alleged violations of law: 201 KAR 2:205(3)(b) and 201 KAR 2:100. CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 10-0045A. Pharmacy permit holder allegedly allowed technician to divert controlled substances from the pharmacy. Alleged violation of law: 201 KAR 2:100. CRC

Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 10-0045B. Pharmacist-in-charge allegedly allowed technician to divert controlled substances from the pharmacy. Alleged violations of law: 201 KAR 2:205 (3)(b) and 201 KAR 2:100. CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 10-0045C. Pharmacy technician allegedly diverted controlled substances from the pharmacy of employment. Alleged violation of law: 315.121(1)(c)(3). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 10-0052. Pharmacy technician allegedly engaged in unprofessional or unethical conduct by failing a drug test. Alleged violation of law: KRS 315.121(1)(a). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 10-0070A Revisit. Pharmacy permit holder allegedly sold a misbranded product as the result of a medication error. Alleged violations of law: KRS 217.065(1) and KRS 315.121(2)(d). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 10-0070B Revisit. Pharmacist allegedly engaged in unprofessional or unethical conduct by committing a medication error. Patient allegedly received a medication that was not the prescribed Dehistine syrup. New Information: After numerous attempts to contact the complainant a letter was sent stating if no response the case would be dismissed. There was no response. Alleged violation of law: KRS 315.121(2)(d). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 10-0084A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by dispensing a medication in a smaller quantity than the physician requested. Alleged violation of law: KRS 315.121(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 10-0084B. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by dispensing a medication in a smaller quantity than the physician requested. Alleged violation of law: KRS 315.121(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 10-0084C. Pharmacist allegedly engaged in unprofessional or unethical conduct by dispensing a medication in a smaller quantity than the physician requested and by obtaining remuneration by fraud, misrepresentation or deception. Alleged violations of law: KRS 315.121(1)(a) and KRS 315.121(2)(h). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 10-0084D. Pharmacist allegedly engaged in unprofessional or unethical conduct by dispensing a medication in a smaller quantity than the physician requested and by obtaining remuneration by fraud, misrepresentation or deception. Alleged violations of law: KRS 315.121(1)(a) and KRS 315.121(2)(h). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 10-0084E. Pharmacist allegedly engaged in unprofessional or unethical conduct by dispensing a medication in a smaller quantity than the physician requested and by obtaining remuneration by fraud, misrepresentation or deception. Alleged violations of law: KRS 315.121(1)(a) and KRS 315.121(2)(h). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 10-0087A Revisit. Pharmacy permit holder allegedly improperly refilled a prescription by combining six Norvasc (amlodipine) 5mg tablets in a requested refill for Plavix 75mg tablets. Alleged violation of law: KRS 217.065(1). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 10-0087B Revisit. Pharmacist allegedly improperly refilled a prescription by combining six Norvasc (amlodipine) 5mg tablets in a requested refill for Plavix 75mg tablets. New Information: After numerous attempts to contact the complainant a letter was sent stating if no response the case would be dismissed. There was no response. Alleged violation of law: KRS 315.121(2)(d). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 10-0091A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct when pharmacist allegedly sold a drug for which a prescription drug order is required, without first having received a prescription drug order for the drug. Alleged violation of law: KRS 315.121(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 10-0091B. Pharmacist allegedly engaged in unprofessional or unethical conduct when pharmacist allegedly sold a drug for which a prescription drug order is required, without first having received a prescription drug order for the drug. Pharmacist allegedly dispensed a diazepam prescription with an Advanced Registered Nurse Practitioner as the prescriber when she had not authorized the prescription. Alleged

violation of law: KRS 315.121(2)(f). CRC Recommendation: A Letter of Reprimand to be issued.

Case No. 10-0092. Pharmacist allegedly received remuneration, in the form of cash and gift cards, from secondary wholesaler for ordering medication from that wholesaler. Accepting gifts or compensation is a direct violation of the pharmacist's employer's company policy. Alleged violations of law: KRS 315.121(2)(d)(e) and (h). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 10-0096A. Pharmacy permit holder allegedly allowed an employee to assist in the practice of pharmacy without being registered as a pharmacy technician because the technician registration had lapsed on 3/31/10. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 10-0096B. Pharmacy employee allegedly assisted in the practice of pharmacy without being registered as a pharmacy technician because the pharmacy technician registration for this employee had lapsed on 3/31/10. Alleged violations of law: KRS 315.121(1)(g) and KRS 315.135. CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 10-0107A. Pharmacy permit holder allegedly allowed an employee to assist in the practice of pharmacy without being registered as a pharmacy technician because the technician registration had lapsed on 3/31/10. Alleged violations of law: KRS 315.121(1)(g) and KRS 315.135. CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 10-0107B. Pharmacy employee allegedly assisted in the practice of pharmacy without being registered as a pharmacy technician because the pharmacy technician registration for this employee had lapsed on 3/31/10. Alleged violations of law: KRS 315.121(1)(g) and KRS 315.135. CRC Recommendation: There is sufficient evidence of

a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 10-0108A. Pharmacy permit holder allegedly sold a misbranded product as the result of medication error. The patient was prescribed glycopyrrolate 2 mg tablets but received glimepiride 2 mg tablets. Alleged violation of law: KRS 217.065(1). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 10-0108B. Pharmacist committed a medication error by dispensing glimepiride 2 mg tablets instead of the prescribed medication glycopyrrolate 2 mg tablets. Alleged violation of law: KRS 315.121(2)(d). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 10-0111A. Pharmacy permit holder allegedly allowed employees to assist in the practice of pharmacy without being registered as pharmacy technicians. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 10-0111B. Pharmacy employee allegedly assisted in the practice of pharmacy without being registered as a pharmacy technician. Alleged violations of law: KRS 315.121(1)(g) and KRS 315.135. CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 10-0111C. Pharmacy employee allegedly assisted in the practice of pharmacy without being registered as a pharmacy technician. Alleged violations of law: KRS 315.121(1)(g) and KRS 315.135. CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 10-0111D. Pharmacy employee allegedly assisted in the practice of pharmacy without being registered as a pharmacy technician. Alleged violations of law: KRS 315.121(1)(g) and KRS 315.135. CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 10-0111E. Pharmacy employee allegedly assisted in the practice of pharmacy without being registered as a pharmacy technician. Alleged violation of law: KRS 315.121(1)(g) and

KRS 315.135. CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 10-0111F. Pharmacy employee allegedly assisted in the practice of pharmacy without being registered as a pharmacy technician. Alleged violations of law: KRS 315.121(1)(g) and KRS 315.135. CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 10-0111G. Pharmacy employee allegedly assisted in the practice of pharmacy without being registered as a pharmacy technician. Alleged violations of law: KRS 315.121(1)(g) and KRS 315.135. CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 10-0111H. Pharmacy employee allegedly assisted in the practice of pharmacy without being registered as a pharmacy technician. Alleged violations of law: KRS 315.121(1)(g) and KRS 315.135. CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 10-0111I. Pharmacy employee allegedly assisted in the practice of pharmacy without being registered as a pharmacy technician. Alleged violations of law: KRS 315.121(1)(g) and KRS 315.135. CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 10-0111J. Pharmacy employee allegedly assisted in the practice of pharmacy without being registered as a pharmacy technician. Alleged violations of law: KRS 315.121(1)(g) and KRS 315.135. CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 10-0111K. Pharmacy employee allegedly assisted in the practice of pharmacy without being registered as a pharmacy technician. Alleged violations of law: KRS 315.121(1)(g) and KRS 315.135. CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 10-0111L. Pharmacy employee allegedly assisted in the practice of pharmacy without being registered as a pharmacy technician. Alleged violations of law: KRS 315.121(1)(g) and KRS 315.135. CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 10-0111M. Pharmacy employee allegedly assisted in the practice of pharmacy without being registered as a pharmacy technician. Alleged violations of law: KRS 315.121(1)(g) and KRS 315.135. CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 10-0111N. Pharmacy employee allegedly assisted in the practice of pharmacy without being registered as a pharmacy technician. Alleged violations of law: KRS 315.121(1)(g) and KRS 315.135. CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 10-0111O. Pharmacy employee allegedly assisted in the practice of pharmacy without being registered as a pharmacy technician. Alleged violations of law: KRS 315.121(1)(g) and KRS 315.135. CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 10-0111P. Pharmacy employee allegedly assisted in the practice of pharmacy without being registered as a pharmacy technician. Alleged violations of law: KRS 315.121(1)(g) and KRS 315.135. CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 10-0111Q. Pharmacy employee allegedly assisted in the practice of pharmacy without being registered as a pharmacy technician. Alleged violations of law: KRS 315.121(1)(g) and KRS 315.135. CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 10-0111R. Pharmacy employee allegedly assisted in the practice of pharmacy without being registered as a pharmacy technician. Alleged violations of law: KRS 315.121(1)(g) and KRS 315.135. CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 10-0111S. Pharmacy employee allegedly assisted in the practice of pharmacy without being registered as a pharmacy technician. Alleged violations of law: KRS 315.121(1)(g) and KRS 315.135. CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 10-0111T. Pharmacy employee allegedly assisted in the practice of pharmacy without being registered as a pharmacy technician. Alleged violations of law: KRS 315.121(1)(g) and KRS 315.135. CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 10-0111U. Pharmacy employee allegedly assisted in the practice of pharmacy without being registered as a pharmacy technician. Alleged violations of law: KRS 315.121(1)(g) and KRS 315.135. CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 10-0112A. Pharmacy permit holder allegedly dispensed ropinirole 1 mg, a generic ReQuip, for a prescription written for risperidone 1 mg. The pediatric patient took the wrong

medication for one week and experienced nausea, nightmares, drowsiness and GI upset before questioning the pharmacy about a possible dispensing error. Alleged violation of law: KRS 217.065(1). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 10-0112B. Pharmacist alleged dispensed ropinirole 1 mg, a generic ReQuip, for a prescription written for risperidone 1 mg. The pediatric patient took the wrong medication for one week and experienced nausea, nightmares, drowsiness and GI upset before questioning the pharmacy about a possible dispensing error. Alleged violation of law: KRS 315.121(2)(d). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 10-0114A. Pharmacy permit holder allegedly aided or abetted an individual to assist in the practice of pharmacy without person being registered as a pharmacy technician. Alleged violations of law: KRS 315.121(1)(g) and KRS 315.135. CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 10-0114B. Pharmacy technician allegedly assisted in the practice of pharmacy without being registered as a pharmacy technician because registration lapsed on March 31, 2010. Alleged violation of law: KRS 315.135(1). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 10-0115A. Pharmacy permit holder allegedly aided or abetted an individual to assist in the practice of pharmacy without person being registered as a pharmacy technician. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 10-0115B. Pharmacy technician alleged assisted in the practice of pharmacy without being registered as a pharmacy technician because registration lapsed on March 31, 2010. Alleged violations of law: KRS 315.121(1)(g) and KRS 315.135(1). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Cast No. 10-0116A. Pharmacy permit holder allegedly aided or abetted an individual to assist in the practice of pharmacy without person being registered as a pharmacy technician. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 10-0116B. Pharmacy technician allegedly assisted in the practice of pharmacy without being registered as a pharmacy technician because registration lapsed on March 31, 2010. Alleged violations of law: KRS 315.121(1)(g) and KRS 315.135(1). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 10-0120. Special medical gas permit holder allegedly failed to renew permit in a timely manner and continued to operate as a special medical gas pharmacy. Alleged violations of law: KRS 315.035(1) and (4) and 201 KAR 2:225. CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

RECIPROCITY/RELICENSURE/INTERNSHIP/PHARMACY TECHNICIANS:

Intern Research Request: Sonja Rhee. Ms. Rhee requested Board approval to complete two clinical rotations in research settings during her fourth year of pharmacy school. The research hours requested are part of clinical rotations and, therefore, do not need Board approval.

Intern Research Request: Daisy Tawiah. Ms. Tawiah requested Board approval to complete one clinical rotation in a research setting during her fourth year of pharmacy school. The research hours requested are part of clinical rotations and, therefore, do not need Board approval.

Intern Research Request: Lesley Erin Mulligan. Ms. Mulligan requested Board approval to complete two clinical rotations in research settings during her fourth year of pharmacy school. The research hours requested are part of clinical rotations and, therefore, do not need Board approval.

Pharmacy Technician Registrant TB. Dr. Policastri moved to approve the application for Pharmacy Technician Registrant TB provided he signs an Agreed Order with standard language that includes probation for one year with a PRN Agreement. Mr. Hadley seconded, and the motion passed unanimously.

Pharmacy Technician Registrant RB. Ms. Brewer moved to approve the application for Pharmacy Technician registrant RB with no restrictions. Dr. Greenwell seconded, and the motion passed unanimously.

CORRESPONDENCE/COMMUNICATION:

Mr. Hadley moved to approve the three following dual pharmacist-in-charge requests:

Matthew Harney. Matthew Harney requested to be allowed to serve as pharmacist-in-charge for Patient Care Pharmacy and PCP Specialty Pharmacy.

Christopher Edelen. Christopher Edelen requested to be allowed to serve as pharmacist-in-charge for Medicine Compounding Professionals and Medicine Cabinet Pharmacy.

Martha Lou King. Martha Lou King requested to be allowed to serve as pharmacist-in-charge for Bourbon County Community Hospital and Johnson Mathers Health Care Pharmacy.

Dr. Policastri seconded, and the motion passed unanimously.

LEGISLATION/REGULATION:

Mr. Hadley moved to approve 201 KAR 2:165, 201 KAR 2:095 and 201 KAR 2:045 as presented which would allow certified pharmacy technicians to transfer prescriptions, remove the requirement for pharmacist interns to complete one professional year before engaging in professional acts, and allow the transfer of prescriptions to and from pharmacies located outside Kentucky. Dr. DeWire seconded the motion. After much discussion, which included many pharmacy students and individual practitioners speaking against the proposed regulation changes, the vote was tied. Mr. Hadley and Dr. DeWire voted for the motion and Ms. Brewer, Dr. Greenwell and Dr. Policastri voted against the motion. President Thornbury chose to vote for the motion, creating a tie.

After more discussion, Dr. DeWire moved to table the proposed regulatory changes for 201 KAR 2:165, 201 KAR 2:095, and 201 KAR 2:045, sending the proposals back to the Regulatory Committee to work on language that would be beneficial and satisfactory to those for and against the proposed changes. The Regulatory Committee will then present the compromise at the next Board meeting. Ms. Brewer seconded the motion, which passed 4 to 1 with Dr. DeWire, Ms. Brewer, Dr. Greenwell and Mr. Hadley voting for the motion and Dr. Policastri voting against the motion.

CONTINUING EDUCATION:

Dr. Greenwell moved to accept the continuing education programs 10-33 through 10-39 and 10-41 through 10-43 as recommended, and to table program 10-40 until more information can be obtained. Dr. Policastri seconded, and the motion passed unanimously. After discussion, Mr. Burleson was directed to provide the Board with more information regarding continuing education programs submitted for Board approval.

OLD BUSINESS:

PRN Appointment. There were no new applicants for the consumer position on the Pharmacist Recovery Network Committee (PRNC).

Board Retreat Agenda. The Board Retreat will be held in Pikeville, Kentucky, November 5-6, 2010. The Agenda is: quality assurance and how to proceed; scheduling of pseudoephedrine; basic discussion of drug diversion; prescriptive authority for pharmacists; and healthcare reform.

NEW BUSINESS:

Kentucky Board of Nursing. The Kentucky Board of Nursing requested the Board of Pharmacy's reaction to a proposed Board of Nursing's Advisory Opinion Statement. After discussion, it was determined that the Board was unclear regarding the purpose of the Advisory Opinion Statement. Dr. Greenwell moved to direct Board Counsel Cheryl Lalonde to reply to the Kentucky Board of Nursing asking for clarification of the Advisory Opinion Statement. Dr. Policastri seconded, and the motion passed unanimously.

EXECUTIVE SESSION:

Dr. Greenwell moved that the Board go into Executive Session pursuant to KRS 61.810(1)(c)(j). Mr. Hadley seconded, and the motion passed unanimously. The Board went into Executive Session. Dr. Greenwell moved to come out of Executive Session. Dr. DeWire seconded, and the motion passed unanimously.

Dr. Greenwell moved that a Letter of Reprimand be placed in Mike Burleson's personnel file. Dr. Policastri seconded, and the motion passed unanimously.

Dr. Greenwell moved that for appearances, the Board members be provided with a history of the person appearing including any transcripts of previous appearances and that this information be provided to the Board as early as possible. Dr. Policastri seconded, and the motion passed unanimously.

ADJOURNMENT: On motion by Dr. Greenwell, seconded by Ms. Brewer and passed unanimously, President Thornbury adjourned the Board Meeting at 3:37 p.m. The next regularly scheduled Board Meeting is scheduled to begin at 9:00 a.m. on November 5, 2010 at the Community Center in Pikeville, Kentucky.

Michael Burleson, R.Ph.
Executive Director